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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/073,452 05/06/98 LANG

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EXAMINER

TRAN, T

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 04/09/01

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WM01/0409

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/073,452

Applicant(s)

LANG ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al ('551).

Logan et al discloses a time delayed digital video system using concurrent recording and playback having video input means (12 of Fig. 1) for simultaneously receiving more than one broadcast video/audio program from one or more sources; cyclic buffer means (5 of Fig. 1) for storing said programs as program data in a cyclical fashion wherein upon being filled, said cyclic buffer begins replacing the oldest data with the newest of said data and is operable for simultaneously reading and writing of the said data; and viewing playback means (11 of Fig. 1) for providing playback control of said data independent from the storing of said programs wherein said playback control comprises random access playback, stop, pause, rewind and fast-forward function; wherein the time-shifted viewing is selectively delayed relative to initiation of said broadcast audio/video programs and which may be initiated and controlled simultaneously with said storing of said programs (columns 5-6) as recited in claims 1 and 6; archive means (column 3, lines 34-45) for semi-permanent storage of the program data and wherein the archive means is used as a save function for selective retrieval, playback and control of program data as recited in claims 2 and 7; viewer playback control capture means (column 5, lines 7-21) for the

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capture and storage of user playback control data and whereby the viewer playback control data is stored on the archive means as recited in claims 3 and 8; data transmission means (column 5, lines 7-21) for transmitting the viewer playback control data away from the system and wherein the viewer playback control data is analyzed externally from the system as recited in claims 4 and 9; data reception means (column 5, lines 7-21) for receiving broadcast program configuration of system options of the system for recording of one or more broadcast programs as recited in claims 5 and 10; wherein the video input means receives one or more broadcast video/audio program (4 of Fig. 1, column 2, lines 11-16 and column 3, last paragraph) simultaneously on one or more channels; wherein the cyclic buffer storage means stores the data simultaneously for the one or more channels (5 of Fig. 1); and wherein any of the stored program from the one or more channels are accessible of the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 11-12; the video input means receives one or more broadcast video/audio programs simultaneously on two or more numerically adjacent channels (column 3, last paragraph) as recited in claims 13-14; program means (3 of Fig. 1) to select one or more broadcast programs to be recorded and stored using the storage means; and wherein any of the stored programs from the one or more channels are accessible for the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 15-16.

Response to Arguments

3. Applicant's arguments filed Jan. 25, 2001 have been fully considered but they are not persuasive.

In re pages 2-3, applicants argue that Logan does not teach the recording and subsequent timeshifting of multiple channels by using multiple buffers because applicants' claimed

invention teaches time shifting as a comprehensive method and system. This differs from the recording and time-shifted viewing of a signal channel. In order to complete the paradigm of time-shifted television viewing while retaining the methods of operation currently enjoyed by a TV viewer, multiple channels must be recorded simultaneously and these channels must be synchronized and time-shifted precisely, as a group.

In response, the examiner respectfully disagrees. It is noted that the alleged capabilities of recording and subsequent timeshifting of multiple channels **by using multiple buffers and simultaneously recording multiple channels** are not recited in at least independent claims 1 and 6. The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Spork, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Logan et al discloses in column 3, lines 57-67 that the **input unit 4 is composed of one or more of simultaneously operating input signal processors each of which is connected to a source of programming signal**, that one or more of these pathways may be connected to a source of compressed digital HDTV signals selected by **an RF tuner as indicated at 4A**, and that **the input signal processors seen at 4B and 4C each compress the cascaded combination of an RF tuner for selecting a desired frequency channel** and a compressor for converting the selected signal into compressed digital format, in column 3, lines 8-11 that one or more incoming video signals are **combined** at a switching node 3 after being processed by one or more input signal processing units shown generally within the dotted rectangle 12, and column 4, lines 16-19 that **an RF tuner 17** is connected to receive **broadcast signals from an antenna 18 or a cable TV source 19**. From the above passages, it is clear that at least the **RF tuners f 4B and 4C** are used to **simultaneously receive the broadcast**

channels and the simultaneously received video channels are simultaneously recorded by combining them at switching node 3. Thus, Logan et al does simultaneously receive broadcast channels and simultaneously record the received broadcast channels.

Additionally, Logan et al discloses in column 1, lines 8-14 the capability of recording broadcast channels.

In re page 3, applicants argue that Logan fails to teach anything related to the time shifting of and the use of multiple channels.

In response, the examiner respectfully disagrees. Logan et al discloses in column 2, lines 3-13 that “using the remote control 13, or the connected computer 14, the user may **selected for viewing on the monitor 10 not only a particular incoming program but may be select any point in time within the stored time window**” and that “accordingly, in response to user commands, the **display unit can provide an instant replay of selected programming, fast forward over undesired segments, pause and restart the programming, or provide fast, slow, or reverse motion displays, all of these functions being provided by altering the memory system address at which the programming to be displayed is read**”. From the above passages and the discussion above, it is clear that Logan et al does indeed disclose the alleged time shifting of and the use of multiple channels.

In re page 3, applicants argue that column 4, line 21 reiterates that Logan has taught a multiple-input device but not a multiple channel device.

In response, the examiner respectfully disagrees. As discussed above Logan et al does indeed disclose the multiple channel device. Furthermore, the claimed multiple channels are anticipated by the multiple passages 4A-4D of Fig. 1 of Logan et al.

In re pages 3-4, applicants argue that Logan does not supply any teaching on how to timeshift these separate devices.

In response, the examiner respectfully disagrees. As discussed above, Logan et al does disclose the alleged timeshifting of multiple channels.

In re page 4, applicants argue that Logan fails to teach applicants' claimed invention of off-loading of the circular buffer by transfer and/or duplication to a separate storage device for archival purposes.

In response, the examiner respectfully disagrees. Logan discloses in column 3, lines 34-45 that the video signal is transferred and/or duplicated from the dual-ported RAM 6 to a separate storage device 7 for archival purposes.

In re page 4, applicants argue that Logan fail to teach applicants' claimed storing of data representing user playback control and receiving broadcast configuration data.

In response, it is noted that the claimed data representing user playback control and broadcast configuration data are met by the programs stored in the read-only memory (ROM) disclosed in column 5, lines 7-21 of Logan et al.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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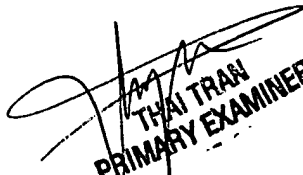
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TTQ
April 6, 2001


THAI TRAN
PRIMARY EXAMINER